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8

9 **BEFORE THE**  
10 **BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2007-303

13 **MARIE ANN CAROTHERS-TAYLOR**

14 3449 Wallingford Drive  
Lake Havasu, Arizona 86406

**DEFAULT DECISION  
AND ORDER**

15 Registered Nurse License No. 514257

[Gov. Code, §11520]

16 Respondent.  
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18 **FINDINGS OF FACT**

19 1. On or about June 15, 2007, Complainant Ruth Ann Terry, M.P.H., R.N., in  
20 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs, filed Accusation No. 2007-303 against Marie Ann Carothers-Taylor  
22 ("Respondent") before the Board of Registered Nursing.

23 2. On or about August 11, 1995, the Board of Registered Nursing ("Board")  
24 issued Registered Nurse License No. 514257 to Respondent. The registered nurse license  
25 expired on April 30, 1999, and has not been renewed.

26 3. On or about June 28, 2007, Araceli Mercado, an employee of the  
27 Department of Justice, served by Certified and First Class Mail a copy of the Accusation No.  
28 2007-303, Statement to Respondent, Notice of Defense, Request for Discovery, and Government

1 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,  
2 which was and is 3449 Wallingford Drive, Lake Havasu, Arizona 85301. A copy of the  
3 Accusation, the related documents, and Declaration of Service are attached as **exhibit A**, and are  
4 incorporated herein by reference.

5 4. Service of the Accusation was effective as a matter of law under the  
6 provisions of Government Code section 11505, subdivision (c).

7 5. On or about July 11, 2007, the aforementioned documents were returned  
8 by the U.S. Postal Service marked "No Forwarding Address." A copy of the envelope returned  
9 by the post office is attached hereto as **exhibit B**, and is incorporated herein by reference.

10 6. Business and Professions Code section 118 states, in pertinent part:

11 (b) The suspension, expiration, or forfeiture by operation of law of a  
12 license issued by a board in the department, or its suspension, forfeiture, or  
13 cancellation by order of the board or by order of a court of law, or its surrender  
14 without the written consent of the board, shall not, during any period in which it  
15 may be renewed, restored, reissued, or reinstated, deprive the board of its  
16 authority to institute or continue a disciplinary proceeding against the licensee  
17 upon any ground provided by law or to enter an order suspending or revoking the  
18 license or otherwise taking disciplinary action against the license on any such  
19 ground.

16 7. Government Code section 11506 states, in pertinent part:

17 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
18 files a notice of defense, and the notice shall be deemed a specific denial of all parts of  
19 the accusation not expressly admitted. Failure to file a notice of defense shall constitute a  
20 waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless  
21 grant a hearing.

20 8. Respondent failed to file a Notice of Defense within 15 days after service  
21 upon her of the Accusation, and therefore waived her right to a hearing on the merits of  
22 Accusation No. 2007-303.

23 9. California Government Code section 11520 states, in pertinent part:

24 (a) If the respondent either fails to file a notice of defense or to appear at  
25 the hearing, the agency may take action based upon the respondent's express  
26 admissions or upon other evidence and affidavits may be used as evidence without  
27 any notice to respondent.

27 10. Pursuant to its authority under Government Code section 11520, the Board  
28 finds Respondent is in default. The Board will take action without further hearing and, based on

Respondent's express admissions by way of default and the evidence before it, contained in exhibits A and B, finds that the allegations in Accusation No. 2007-303 are true.

11. The total costs for investigation and enforcement are \$578 as of July 16, 2007.

#### DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Marie Ann Carothers-Taylor has subjected her Registered Nurse License No. 514257 to discipline.

2. A copy of the Accusation and the related documents and Declaration of Service are attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Registered Nursing is authorized to revoke Respondent's registered nurse license based upon violations of Business and Professions Code section 2761, subdivision (a)(4) (out-of-state discipline); section 2762, subdivision (a) (obtained and possessed controlled substances in violation of law, and self administer controlled substances); and, section 2762, subdivision (e) (falsify a prescription), as alleged in Accusation No. 2007-303.

#### ORDER

IT IS SO ORDERED that Registered Nurse License No. 514257, heretofore issued to Respondent Marie Ann Carothers-Taylor is revoked.

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1 Pursuant to Government Code section 11520, subdivision (c), Respondent may  
2 serve a written motion requesting that the Decision be vacated and stating the grounds relied on  
3 within seven (7) days after service of the Decision on Respondent. The agency in its discretion  
4 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the  
5 statute.

6 This Decision shall become effective on November 4, 2007.

7 It is so ORDERED October 4, 2007

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9 *LaTranene W Tate*  
10 FOR THE BOARD OF REGISTERED NURSING  
11 DEPARTMENT OF CONSUMER AFFAIRS  
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25 Attachments:

26 Exhibit A: Accusation No. 2007-303, Related Documents, and Declaration of Service  
27 Exhibit B: Copy of Envelope Returned by Post Office

28 DOJ docket number: 03579110SA2006100884

CarothersTaylor.Def.wpd

**Exhibit A**

**Accusation No. 2007-303,  
Related Documents and Declaration of Service**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
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9 **BEFORE THE**  
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10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2007-303

13 **MARIE ANN CAROTHERS-TAYLOR**  
3449 Wallingford Drive  
14 Lake Havasu, Arizona 86406

**A C C U S A T I O N**

15 Registered Nurse License No. 514257

16 Respondent.  
17

18 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the  
21 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer  
22 Affairs.

23 **Registered Nurse License**

24 2. On or about August 11, 1995, the Board issued Registered Nurse License  
25 Number 514257 to Marie Ann Carothers-Taylor ("Respondent"). The registered nurse license  
26 expired on April 30, 1999, and has not been renewed.

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1 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
2 and enforcement of the case.

3 8. **DRUGS**

4 "Hydrocodone" is a Schedule II controlled substance as designated by Health  
5 and Safety Code section 11055, subdivision (b)(1)J).

6 "Oxycodone" is a Schedule II controlled substance as designated by Health and  
7 Safety Code section 11055, subdivision (b)(1)(N).

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Out-of-State Discipline)**

10 9. Respondent is subject to discipline under Code section 2761, subdivision  
11 (a)(4), on the grounds of unprofessional conduct, in that Respondent has been disciplined by the  
12 Arizona State Board of Nursing (hereafter "Arizona Board"), as follows:

13 a. Effective November 16, 2005, pursuant to the Consent Agreement and  
14 Order in Case No. 0412089 filed by the Arizona Board, attached hereto as **Exhibit "A"**,  
15 Respondent's Arizona Professional Nurse License Number RN092425 was revoked; however,  
16 the revocation was stayed so long as Respondent was in compliance with the attached Consent  
17 Agreement and Order. The basis of said discipline was that between approximately July 2003,  
18 and December 2004, Respondent telephoned prescriptions to various pharmacies in Arizona,  
19 representing herself as being from Dr. O'Neil's office in order to obtain the controlled substances  
20 hydrocodone and oxycodone, for her own use.

21 b. Effective August 9, 2006, pursuant to the Notice of Revocation filed by  
22 the Arizona Board, Respondent's Arizona Professional Nurse License Number RN092425 was  
23 revoked because Respondent failed to remain in compliance with the original Consent  
24 Agreement and Order in Case No. 0412089, referenced in subparagraph a, above.

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1                   1.     Revoking or suspending Registered Nurse License Number 514257, issued  
2 to Marie Ann Carothers-Taylor;

3                   2.     Ordering Marie Ann Carothers-Taylor to pay the Board of Registered  
4 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Code  
5 section 125.3; and,

6                   3.     Taking such other and further action as deemed necessary and proper.

7  
8 DATED: 10/15/07

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10   
11 RUTH ANN TERRY, M.P.H., R.N.  
12 Executive Officer  
13 Board of Registered Nursing  
14 Department of Consumer Affairs  
15 State of California  
16 Complainant  
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